

**From:** [Aubrey "Nick" Pittman](#)

**Sent:** Friday, January 03, 2014 3:18 PM

**To:** [Kurt C. Kern](#) ; [David Stone](#) ; [Daryl Washington](#)

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**Subject:** Re: Vehicle Inspections

Hopefully, by now you have received my response to Mr. Stone's email, which was sent before I received your email. As I explained to Mr. Stone, January 20 was requested because of expert unavailability. The January 10 date you propose would not provide enough time.

As far as the dates for Burton, I will run those dates by his office to see whether the dates will work. However, he was recently involved in a motor vehicle accident and we will not know of his availability until next week.

As to Friedman and Stephenson, I will see whether they are available on the dates in your email. However, we cannot in good conscience agree to provide 32 hours of deposition time on just one expert report that was split into four parts solely for Defendants' convenience. With that being said, let us know if you will want us to reserve one of those days for a 7-9 hour single day deposition of Friedman and Stephenson.

As to Jeff Vick, I will check on this schedule when he returns my call.

**From:** [Kurt C. Kern](#)

**Sent:** Friday, January 03, 2014 2:29 PM

**To:** [David Stone](#) ; [pittman@thepittmanlawfirm.com](mailto:pittman@thepittmanlawfirm.com) ; [Daryl Washington](#)

**Cc:** [Jude T. Hickland](#) ; [Brian E. Mason](#) ; [Kim Weiner](#) ; [jcarlson@howrybreen.com](mailto:jcarlson@howrybreen.com) ; [Pat Fitzgerald](#) ; [rhowry@howrybreen.com](mailto:rhowry@howrybreen.com) ; [todd.parks@wbclawfirm.com](mailto:todd.parks@wbclawfirm.com) ; [Don Dawson](#) ; [kathleen@dawson-clark.com](mailto:kathleen@dawson-clark.com) ; [jkenefick@macdonalddevin.com](mailto:jkenefick@macdonalddevin.com) ; [JHenderson@macdonalddevin.com](mailto:JHenderson@macdonalddevin.com) ; [sself@feesmith.com](mailto:sself@feesmith.com)

**Subject:** RE: Vehicle Inspections

Nick:

Further to David's e-mail and having given it considerable thought the Toyota Defendants (even though we think your request for an extension of time for Plaintiffs to submit rebuttal reports is very late/untimely for the reasons stated in the Court's Order earlier today and in David's e-mail) would propose that in exchange for agreeing that Plaintiffs can have up to 5 PM on Friday, January 10<sup>th</sup> to submit all rebuttal reports, Plaintiffs agree as follows:

1. Plaintiffs will present Dr. Burton for deposition on January 14<sup>th</sup> or 15<sup>th</sup> at his office in Alpharetta, Georgia;
2. Plaintiffs will present Keith Freidman for two consecutive days of deposition, not to exceed more than 8 hours each day on January 21<sup>st</sup> and 22<sup>nd</sup> in Austin;

3. Plaintiffs will present Rhoades Stephenson for two consecutive days of deposition, not to exceed more than 8 hours each day on January 23<sup>rd</sup> and 24<sup>th</sup>;
4. Plaintiffs will present Jeff Vick for deposition on either January 27<sup>th</sup> or 28<sup>th</sup>; and
5. If necessary Plaintiffs will agree to allow biomechanical defense expert Dr. Catherine Corrigan to be presented for deposition up to and including March 3<sup>rd</sup>.

As always if you wish to confer regarding this matter please call me.

Kurt

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